<u>UNPUBLISHED</u>

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 09-7082

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JAMES YOUNG,

        Petitioner - Appellant,

    v.

STATE OF SOUTH CAROLINA; ROBERT STEVENSON, BRCI Warden,

        Respondents - Appellees.

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Appeal from the United States District Court for the District of
South Carolina, at Columbia. Patrick Michael Duffy, Senior
District Judge. (3:08-cv-01053-PMD)

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Submitted: January 19, 2010   Decided: January 26, 2010

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Before NIEMEYER, KING, and DAVIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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James Young, Appellant Pro Se. Donald John Zelenka, Deputy
Assistant Attorney General, Melody Jane Brown, Assistant
Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Young seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). The magistrate judge recommended that relief be denied and advised Young that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Young failed to object to the magistrate judge's recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Young has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we deny a certificate of appealability and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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